TWENTY-FIRST JOINT CONFERENCE

THEME: OCCUPATIONAL HEALTH & SAFETY

WEST ROYALTY COMMUNITY CENTRE

WEST ROYALTY, P.E.I.

WEDNESDAY, NOVEMBER 4, 1987

Sponsors:

PRINCE EDWARD ISLAND

LABOUR MANAGEMENT RELATIONS COUNCIL

and

LABOUR CANADA

OCCUPATIONAL HEALTH & SAFETY

November 4, 1987

P R O G R A M

8:00 a.m.	Registration
8:30 a.m.	Invocation & Welcoming Addresses 1. Chairman of West Royalty Village Commission - Bennett Carr 2. Minister of Labour - Wayne Cheverie 3. Labour Canada - Gerry Blanchard 4. Chairman of the P.E.I.L.M.R.C. - Iain Galloway
9:00 a.m.	Presentation of Conference Theme Chairman, Occupational Health & Safety Council, George Proud
9:15 a.m.	The P.E.I. Scene 1 Slide presentation of the Occupational Health and Safety Act/Director of the P.E.I. Division of the O.H.&S. Division - Phyllis MacDonald
9:45 a.m.	Coffee
10:00 a.m.	The P.E.I. Scene 11 The Management Viewpoint - General Manager Construction Association - Francis Reid The Labour Viewpoint - President of U.P.S.E., Sandy MacKay
10:30 a.m.	Question Period Panel: Phyllis MacDonald Sandy MacKay Francis Reid
11:00 a.m.	Discussion Groups
12:00	Dinner Guest Speaker, Jim Gill, Director of Occupational Health & Safety Department, C.A.W., Toronto
1:00 p.m.	The Maritime Scene - Panel 1 N.B. Alan Young Management, Brunswick Mining & Smelting Vince Rose, Nfld. Assoc. of Public Employees Jack Noonan, Director of O.H.&S. Division, Nova Scotia
2:00 p.m.	Discussion Groups
3:00 p.m.	Coffee
3:15 p.m.	Report of Discussion Groups
3:45 p.m.	Dramatization
4:30 p.m.	Conference Wrap-up

Iain Galloway:

Welcome , delegates, to the Community of West Royalty. We started a few years ago the tradition of spreading our business around a little bit. Our conference used to be solely identified originally with the Charlottetown Hotel. Recently we have been at the Confederation Centre, a good place too, but we felt that we should not be totally identified with Charlottetown. This is a P.E.I. organization after all and we do have representatives from other parts of the Island, so we went to Summerside a couple of years ago. Many of you were there on our first conference on Technology and here we are outside Charlottetown again. Just barely outside, but outside Charlottetown in West Royalty Village.

In order to start the proceedings, I am going to call on Major Alex Anthony of the Salvation Army to give us the Invocation.

Major Anthony:

I think our best example of work and health and safety is our Lord Himself who said "I must work the works of Him who sent me while it is day for the night cometh when no man can work."

Shall we pray. Eternal God, our Heavenly Father, we do give you thanks for this new day Thou has given us. We give you thanks for the rest of the past night. We thank Thee for a measure of health and strength that we enjoy. We are reminded that every good and perfect gift has come from You. Thou has been to us far better than we deserve and we seek to give You so little in return. But Our Father, we pray that we shall be guided by You in all that we do and all that we say. It is true that we come from various walks of life, each trying to do his or her duty in different ways. But we pray that all that we do and all that we say may be worthy of Your smile and Your approval. We would ask Your blessing upon those who will speak to us, who will guide this conference and we pray that we shall, each and everyone, go away with a better understanding and determined to do our best in this society. We thank Thee for those of bygone days, great men who wielded an influence for good. We pray that we shall seek to follow their example, but above all, follow

the example of Him who went about doing good, healing all manner of diseases among the people, making the blind to see, the deaf to hear and the lame to walk. Father, we pray that we shall seek to do our best so that those who will come after us in days and years will call us blessed. Let Your blessing be upon all our concerns. We pray in Jesus name. Amen.

Iain Galloway:

Thank you Major Anthony. One little point to clarify in case you have looked at your program very carefully. A lot of things slip by. In case anybody noticed and was very worried to see that the Invocation and Welcoming Addresses were apparently going to last one hour - 8:30 to 9:30, I will reassure you that this in fact is a printing error.

I now call on our new host for the day. The Chairman of West Royalty Village Commission, Bennett Carr.

Bennett Carr:

Mister Chairman and Head Table People, ladies and gentlemen, delegates from both labour and management to this conference. I am sure that Iain Galloway would have given that warning sometime this morning. I think though it has particular significance for me in that he has given it just prior to the welcoming remarks.

Now if any individual or any group can be accused of being long winded often, it is the politician and they say it is one thing to beware of a politician who is seeking office but it is another thing to beware of a politician who is leaving it because he has absolutely no reason to consider anyone else other than his own opportunities to make a speech!

I can assure you Mr. Chairman that even though my months in office are drawing to a close, I don't intend to abuse the privilege of being able to be here this morning to speak to you. I just want to say this, that we are glad to see that the Labour Management Council is spreading the meetings around the province and we are very pleased that you have come to West Royalty.

I would like to, on this occasion, welcome you to this community centre which has been built here as a result of the taxes and work of citizens of this community and I would like also to remind you that this building has been in operation for almost two years and when I come in myself on every occasion, I am struck by the fact that it looks as if it has been opened only last week or the week before. And I think it is a great compliment to the management, the administrator and the staff who keep this place in such good condition.

It gives me great pleasure to welcome you Mr. Chairman and your council and the delegates who are here today. I trust that you will enjoy yourselves and, whatever your policy is on meeting places in the future, that you will take the opportunity to come back again. All the best to you as you pursue your objectives today.

Iain Galloway:

Thank you very much Mr. Carr. And now, the Minister of Justice and Labour, the Honorable Wayne Cheverie.

Honorable Wayne Cheverie:

Thank you very much Chairman Iain, members of the P.E.I. Labour Management Council, Chairman Carr, out-of-province guests, ladies and gentlemen.

Just over twenty years ago, April 13, 1967, the first Joint Labour Management Conference was held in Charlottetown at the Basilica Recreation Centre with some 125 representatives from labour unions, business and government in attendance. The Evening Patriot of the day had this to say about the first conference:

"Today's conference was arranged by the P.E.I. Labour Management Relations Council, a body formed with the purpose of fostering better relations between management and employees and to provide a forum for communications through which both groups might channel their respective views. The Council was formed following a period of general labour unrest which culminated in a demonstration affecting the construction industry in the Spring of 1966, and which was

temporarily settled through the mediation efforts of two members of the clergy. A joint announcement by the then Premier, Honorable W.R. Shaw and Premier-Elect, Alexander B. Campbell, on July 12, 1966, indicated that a Labour Management Council would be formed."

It is always interesting to look back on occasion and take notice of where we came from; to determine our successes and our failures; to take inventory, if you will, and to use that experience, to learn from it in making our plans for an improved future.

Here we are today, twenty years later, and it is my sincere hope that the intervening years have been profitable in the development of labour management relations in our province.

Last year's conference on Technology Change was a very timely and extremely interesting conference. The same topic that was the subject of scrutiny at your conference in 1985 in Summerside. This year's conference topic is one that I feel is most timely and extremely important to me, and I am committed to ensuring that every workplace in our province is as safe from occupational health and safety hazards as is reasonably possible. Too much pain is suffered, too much work time is lost, and too much economic damage is done due to workplace diseases, injuries and deaths each year in our country and our province. We must work together to diminish workplace hazards, to eradicate workplace injuries and deaths. I know that with the sincere effort of employers, employees, businesses and unions we can, and we will, succeed in reducing, hopefully eliminating, the carnage in our workplaces.

Today's conference should be extremely interesting and I hope helpful to us all. I am pleased to be able to be here, to welcome you, the delegates, to the conference -- also to welcome our out-of-province guests to our beautiful province and to wish you well in your deliberations throughout the rest of the day.

Thank you very much.

Iain Galloway:

As usual at these conferences, we like to acknowledge that very large measure of help that Labour Canada affords us in putting these conferences on, both in moral support and also financial support. I am happy to call on the Regional Director of Labour Canada in the Atlantic Provinces, Mr. Gerry Glanchard who we are very pleased to have with us once more. He has never failed to send a faithful delegation since we started these conferences.

Gerry Blanchard:

I guess the real test will come if I am invited some day and don't contribute. I am going to have to cut this down a bit. I looked at the time table and I thought I had at lease twenty-five minutes. Seriously speaking, I am honoured to be here once again this year and honoured to bring you greetings from the Federal Labour Minister, the Honorable Pierre Cadieux and indeed greetings from the staff of all Atlantic Region Labour Canada. It's also a personal pleasure for me to return to this conference because like Iain has said, I have attended quite a few in the past and have always found them to be very worth while and very enjoyable.

At the conference last year, there was a certain commitment or at least a strong indication that consideration would be given to request from various groups such as represented by Jim MacDonald, Ted Crockett, etc., for Labour Canada to establish an office on the Island of P.E.I.

There was a need it seemed to further extend our activities and to better service the Federal Jurisdiction Employees on the Island. Well, it is not very often that government officials are able to say that they have fulfilled a request, but I am pleased to say that we have, and as most of you know, on August 12th, 1987, our Minister came to your Island to officially conduct the opening of our Labour Canada office which is now situated in Charlottetown. We have staffed that office with a very able and experienced officer, John Lawrence, who is with us here today. Those of you who haven't had a chance to meet John, I am sure will have a change to meet him either later on today or in the near future.

John has been assured of the full support of the New Brunswick-PEI District Office and the Regional Office in Moncton. Accompanying John and me is also Gaston Martin, our District Manager for NB-PEI and he will be pleased to meet and exchange ideas with you today.

This office I believe re-emphasizes our commitment to better serving Federal Jurisdiction Clients on the Island. John tells me that since his arrival in June, he has been very busy, so evidently the need was there. John will also continue to co-operate with provincial authorities when required and support activities such as this or any activities your council may have.

The theme of this conference, Occupational Health and Safety, is certainly not a new theme and it is not a new concern but it is one that is ever growing and one that needs to be addressed more and more every day. The 1980's have brought about some very dramatic changes. As your Minister just mentioned, your previous conferences dealt with the question of technological change and all that implies in the work place. There has also been,I hope, some changes in attitudes, possibly a new realization and a new acceptance to the fact that safety and health is everybody's business and it is a joint responsibility. Neither the Federal nor Provincial Jurisdictions have enough inspectors to be everywhere all the time and to do everything. Governments can set rules but employers and employees have to have a responsibility to ensure safety in their own workplace.

You are there, you are the ones with the most to lose from an unsafe environment, you are also the ones with the most to gain. That is why in Labour Canada we spend a lot of time encouraging those who are able to establish their own internal responsibility systems, effective health and safety programs and implement and support safety and health committees as key things to make the workplace safer. We will do our part. We will regulate and assist when required. We have limited resources however and we have to concentrate our interventions in those areas where they are most needed.

Over the past ten years, and I won't bore you with facts and figures because you have heard them all before, we talk that accident rates are raising, we talk about

costs such as fourteen billion dollars in Canada that are attributed to this. Solutions must be found and if we are not part of the solution, then we are part of the problem. In the Federal Jurisdiction as in most provincial jurisdictions, labour laws have been amended and strengthened. More specifically, fundamental rights of workers have been strengthened, the right to know, the right to participate and refusal to work, all things you will be talking about today.

The workplace hazards and material information system that is basically a national labeling system will insure that labels, data sheets, proper instructions, etc., accompany hazardous products in the workplace so that workers will know what they are and how to protect themselves from them if needed.

This joint federal-provincial-employee-employer endeavour is a good example of what labour, business and various levels of government working together can achieve and how consultative processes can be used for the benefit of all concerned. Hopefully they will serve as an example for other joint consultative efforts among the three parties in the future. We will all be hearing much more about WHMIS in the near future, I am sure.

In summary, the workplace is in constant state of change. These changes have a direct impact on safety and health in the workplace. New technology has to be dealt with, it can't be ignored and some old attitudes have to change. A conference such as this is an opportunity to withdraw from our workplace, from our daily activities and more importantly, from our biases and to reflect on matters of mutual concern and to hopefully start arriving at new solutions. It was once said that at a conference one should stretch delegates minds something like an elastic. New ideas stretch the mind. I guess the trick is when we stretch our minds on a day like today, it is not to let it snap back to its original rigid shape the first day back at the office or at the workplace. The idea is to stretch it a bit and keep it stretched when we go back home, try new ideas and try to apply new solutions. So, in closing, I hope that we will enjoy some very good exchanges today, some good reflections and I wish you all a very successful conference.

Iain Galloway:

My remarks as chairman are going to be really very brief. It is my main object to introduce the various speakers but prior to introducing George Proud who will present the Conference Theme, it just occurred to me to mention how appropriate this conference has turned out to be for everybody and particularly for me. As some of you know, in the paper today, there is a report handed down in one of our major high risk areas which is the fisheries. It couldn't be therefore more appropriate to be talking about occupational health and safety when this report comes down. At the opposite end of the spectrum however, I never expected myself to be involved on a personal basis of occupational health and safety, apart from reading and studying about it. As you know, I am a university professor but lo and behold, just a week ago the university was involved dramatically with occupational health and safety. Normally the biggest risk one has at university is carrying heavy books around or facing some irate students. Not too much risk really, but last week we ended up in the middle of a fire and toxic fumes and believe me, on campus we now have a lot of new believers in occupational health and safety. With the lingering fumes it was not a pleasant place to work last week I assure you!

I would like now to introduce our opening speaker, George Proud, formerly employed with Maritime Electric for a long period of time, he has also been a Minister of Labour himself and has a large experience in the workforce. He has had experience off the Island, having been as far as the Northwest Territories which one would suppose would be a high risk area. The main reason for having called on George for his expertise is that since April 1986, he has been Chairman of the Occupational Health and Safety Council and therefore the most appropriate person to open our talks for today. I call on George Proud to present the Conference Theme.

George Proud:

Thank you very much Mr. Chairman, ladies and gentlemen. I want to add my words of welcome to those which have already been extended here this morning. I especially

want to say what a great group of people has been gathered here. Over the past number of years I have attended a few of these conferences and each time we come to them there seems to be more people in attendance. I only hope, and certainly history will prove, that these things do work. As the Minister of Labour stated earlier, it was twenty years ago the first conference was held and I am sure that at that first conference the last thing on the minds of those in attendance was occupational health and safety.

I was delighted to learn that Occupational Health and Safety is to be the theme of today's program. No more appropriate theme could have been chosen for your 1987 Labour Management Conference. 1987 is a historic year in Labour Management on Prince Edward Island, because this is the year that the first Occupational Health and Safety Act was enacted by the Government of this Province.

I have been asked to give a bit of history on the events leading up to May 1, 1987, when our Occupational Health and Safety Act became law.

Although several concerned groups had been calling for Occupational Health and Safety legislation for years, it wasn't until March 1981 that a Ministerial Advisory Committee was established by Honorable James Lee, then Minister of Health, who charged the committee with the responsibility to make recommendations for the development of an occupational health and safety program for Prince Edward Island.

A letter from the Minister was sent out to a cross section of organizations representing labour, management and government to request suggestions for membership.

On March 5, 1981, Cabinet appointed the Ministerial Advisory Committee, the members of which were: Francis Reid, Eric Hammill, Sandy MacKay, John Morrison, John Carr, Joyce MacKenzie, Richard Davies, James Coles and Clifford Ready.

Arnold DeVilliers, an Ottawa physician who had an impressive background in occupational health and safety was seconded from Health and Welfare Canada to chair the committee. Phyllis MacDonald, a research assistant with the Department of Health, served as Executive Secretary to the committee.

This committee met over a six month period, received briefs from the public, met with various representatives of labour and industry, consulted with the Canadian Centre for Occupational Health and Safety in Hamilton, Ontario and presented its final report in December 1981.

Among the recommendations of the report was the establishment of an Occupational Health and Safety Council and the drafting of comprehensive occupational health and safety legislation for Prince Edward Island.

In May of 1982 an Occupational Health and Safety Act was passed in the Legislature and at the same time responsibility for occupational health and safety was transferred from the Department of Health to the Department of Labour.

In July of 1982, John Carr, a Charlottetown lawyer, was appointed the first chairman and Phyllis MacDonald was appointed executive officer of the Council.

The Department of Labour then began the consultation process for membership in the Council, but now there was legislation to guide this process.

The legislation called for not less than six members, one of whom it was stipulated to be nominated by the Worker's Compensation Board. It also called for members who are representatives of management, labour, technical and professional persons and the public "who are concerned with and have knowledge of occupational health and safety ". In addition, the Act called for two ex-officio members, a representative of Department of Labour and of the Department of Health and Social Services.

Several of the people who had been members of the Advisory Board Committee were appointed to the Council: Eric Hammill, Sandy MacKay, John Morrison and Francis Reid. Additional members appointed were Ansel Ferguson, Sally Robertson, Keith Wornell and L.W. Brammer, both Ex-officio members.

Office space for the Council was acquired at 25 Queen Street and was officially opened in April 1983. It later moved to 42 Great George Street, however, the Council no longer has permanent office space but operates out of the Department of Labour as do all other boards connected with the Department.

The Council saw as its top priority, development of proposals for occupational health and safety legislation. The proposals were submitted to Government in the Fall of 1984, and the Council was directed to draft a white paper for public distribution. Sixteen prominent Island organizations submitted written briefs which were forwarded to Government. The proposals were then sent to Legislative Council for final drafting.

In January of 1985, Dr. John DeMarsh, a member of the P.E.I. Medical Society, with a keen interest in occupational health and safety, was appointed to the Council.

On April 11, 1985, Honorable Roddy Pratt, Minister of Labour introduced the Occupational Health and Safety Act in the Legislature for first reading.

The Occupational Health and Safety Act received royal assent on May 1, 1985, but was not proclaimed until May 1, 1987.

During this period, regulations were drafted by a sub-committee of the Council, approved by Council and submitted to Government.

In July of 1986, the draft regulations were made available to the public for comment. Public hearings were held on October 1 and 2, 1986 and finally on May 1, 1987, Honorable Wayne Cheverie, the present Minister of Labour, was instrumental in influencing Cabinet to approve the regulations and proclaim the Act.

It has been a long process from 1982 when the Council was appointed, but now at last Prince Edward Island has legislation to protect its workers and we look forward to an improved working environment for workers in P.E.I. in the years ahead.

As we all know, legislation alone will not decrease accidents and illnesses in the workplace. It takes co-operation of both labour and the commitment of top management to see that these regulations and this Act become a reality throughout this province. We all know that legislation is only a law that tells us that we have to do something and we can't do other things. It is up to each and every one of us here in this room today and many more who are not here with us to see that the Occupational

Health and Safety Act, its regulations, its intent indeed, is carried out to the fullest on Prince Edward Island where the workplaces, whether they are offices or industrial complexes, whatever they may be, provide the safest environment possible for workers to live in.

I just want to say that this Act, as we know, is to cover all aspects of industry in Prince Edward Island. We are in the process now, beginning tomorrow night, of going across the province to have more input from the agriculture community. We want to hear again the concerns of that community, the fears they have as to the implementation of this Act. As you know, a moratorium was put on for twelve to eighteen months in certain aspects of the agricultural community.

Now, its Council has been asked to go out to the areas and to hear the concerns of this community, and what we then will do is bring these concerns back, present them to Government with our recommendations as to what should be done if anything to make anymore changes whatever the recommendations that come to us and we feel if there is changes to be made, we will have to make those recommendations to Government. But as I said a few moments ago, the way that this thing will work is by the co-operation of everybody and I know that's easy to say, it doesn't always come about that way.

As someone said here already this morning, lets not let our minds snap back to the original way it was when we first came in this door and any new ideas and suggestions that are made, lets try to make this a success. This Occupational Health and Safety Act and Regulations will be carried out with as much understanding as is possible and I know that many people fear that too much, too strict a rules and regulations have been laid down. That was a big debate we had during the Council hearings last Fall and I am sure that when all is said and done, that with the people carrying out the rules regarding the regulations and this Act that common sense will prevail and that if we really try that all of these things will work out to the best for everybody.

In closing I want to wish, again, this Council a successful day in discussing this very timely topic of Occuaional Health and Safety. I want to thank you very much for asking me to come Iain and I wish you all the best for the day's procedures.

Iain Galloway:

As you know, the Council's objective in putting on these conferences is partly to let people involved in the workplace, management and labour, to express their thoughts on different matters, but also it is a teaching process, an educational process and this is basically the theme today.

I think that most of us are here to learn more about this relatively new concept. We are all familiar with the name Occupational Health and Safety because of the recent implementation of the Act but what's it all about? In planning the Conference we thought that a picture is worth a thousand words and for that reason, we are having two items where you are going to use your eyes as well as your ears. The first is the official slide presentation of the Occupational Health and Safety Division which is basically an educative instrument to help you understand better what is going on. Rather than talking about it, we are going to do some "show and tell". And the second you'll notice in your program scheduled for the end of the day, a novelty for us which we have never had in our previous conferences, and that's a dramatization of the theme of Occupational Health and Safety. So you are going to see things in action as well as hear them and we hope this idea will be a meaningful experience for you. Seeing things, I think, certainly helps one learn probably better than simply talking.

And so I am happy to introduce Phyllis MacDonald who, as you have just heard, has had extensive experience with the Occupational Health and Safety Division. Phyllis representing that division will deliver the slide presentation and also comment on it for the next half hour.

Phyllis MacDonald:

Mr. Chairman, ladies and gentlemen. I just had a thought as I walked up the aisle while the Chairman introduced me. I think it would also be appropriate for you people to meet the rest of the staff of the Occupational Health and Safety Division. They don't know I had this brainwave so, I am going to ask them to come forward and be recognized. So, could we have Mr. Johnson, Mr. Stewart, Mr.Kelly, Mr. Dornan and our newest member, Mr. Deveau who is our brand new industrial hygienist and who we are very delighted to welcome to P.E.I. Please come forward and be recognized.

When I was approached in early Spring to show the slide presentation on our Occupational Health and Safety Act at this Conference, I had some reservations because I felt that by now many of you would have already seen it; however, now that we have all been involved in the implementation of the Act, I feel that is is very worthwhile for you to take a second look at it. But before we show you the slide presentation, a few words on a related topic.

I hope you have noticed the banner on the wall:
"WHMIS is coming"

Could we have a show of hands to indicate how many of you know exactly what those words mean. Hm. Not too many. That is about what I expected. So I think it appropriate then that I steal a few minutes from this time allotted to me to speak to you about WHMIS.

WHMIS stands for Workplace Hazardous Materials Information System. This is an information standard scheduled to come into effect throughout Canada on October 31, 1988, just one year from now. You can see there on this banner the words which will be up there all day. Since WHMIS will go hand in hand with our occupational health and safety legislation, I thought it worthwhile to give you a brief overview. In fact, when our Occupational Health and Safety Act was being drafted, Section 24 which deals with toxic substances was developed to complement WHMIS regulations. In fact, the draft of Section 24 was sent to the chairman of the WHMIS Steering Committee for approval at that time. So, that part of our Act is complementary with WHMIS legislation.

In Canada about one quarter of all workers are exposed to one or more chemical hazards. Exposure to hazardous materials may cause or contribute to many serious health effects such as heart ailments, kidney and lung damage, sterility, cancer and burns. Some hazardous materials may also have the potential to cause fires, explosions and other serious accidents.

Due to the seriousness of these safety and health problems and the lack of information available to employees, and following a consensus proposal developed through extensive consultation with industry and labour representatives, the Federal, Provincial and Territorial Governments agreed to implement the Workplace Hazardous Materials Information System (WHMIS). The goal of WHMIS is to reduce the incidence of illnesses and injuries resulting from the use of hazardous materials in the workplace.

WHMIS establishes uniform national requirements to ensure that information regarding the hazards of materials produced or sold in, imported to, or used within workplaces in Canada is provided by suppliers to employers and in turn, to employees.

WHMIS will give Canadian workers access to complete and accurate information about hazardous materials to be used in the workplace. Employers will be responsible for ensuring that a hazardous material entering a workplace bears a supplier label.

There are three principal components to WHMIS. These are the label, material safety data sheets and worker education.

1. First a word about labelling.

Suppliers advertising, selling or importing hazardous materials must ensure that the containers are labelled in both official languages with the appropriate label (including a hazard symbol) and other information as prescribed by WHMIS regulations.

Employers will be responsible for ensuring that a hazardous material entering the workplace bears a supplier label. When a hazardous material is transferred from the supplier's container to another workplace container the workplace container must also bear a label. As well, the container of a hazardous material produced by an in-plant process must bear a label.

2. Material safety data sheets (MSDS)

A supplier wanting to advertise, sell or import hazardous materials must supply a material safety data sheet for each hazardous material. Material safety data sheets contain the following information:

a) Material identification and use
b) Hazardous ingredients
c) Physical data
d) Toxicological properties
e) Reactivity for material
f) Preventive measures
g) First-aid measures
h) Date of preparation of the sheet

An employer producing a WHMIS defined hazardous material in-plant must also produce a MSDS containing the same information.

3. Worker education programs

The employer will be required to ensure that a worker who may be exposed to a hazardous material can understand the information required on the supplier, workplace and transportation of dangerous goods labels. He will be required to give the information that is on the MSDS label to the employees and also information on the procedures and specific information needed for the safe handling, use, storage and disposal of a hazardous material.

In workplaces where health and safety committees or health and safety representatives exist, the employer will be obliged to ensure that the worker education program is developed and implemented in consultation with the committee.

Under the WHMIS program, it is necessary to balance the workers' "right to know" with industry's need to protect proprietary information. A hazardous material information review commission will review and approve requests for an exemption from the requirements to make known the identity of a material or agent known if such information is judged to be a trade secret. However, there is still an obligation to provide information on any hazard that may exist.

On June 30, 1987, Federal Legislation placing information requirements on suppliers of hazardous materials was passed in The House of Commons. The Provinces have agreed to effect complementary legislation that will require employers to make that information available to workers for use at the workplace.

Prince Edward Island has participated with Labour Canada, other provinces and territories, and with representatives of management and labour organizations in the development of proposed reguslations to be enacted at the provincial level. These draft regulations are available at the back of the room, the table that has the Occupational Health and Safety sign above it and this is what they look like. They are stamped on the front "draft for discussion purposes only" and the reason they are stamped "draft" is that our government to this point has not put the seal of approval on these but has given approval in principal and we don't expect any difficulty in getting these passed. But at the moment they are draft regulations. So, those can be picked up at the back of the room as well as a brochure "WHMIS is Coming". Those two are available at the back.

Text of Slide Presentation

These are P.E.I. worksites. It can be a hospital, an office building, a vehicle or mobile equipment, a construction site, a factory any location where people are engaged in occupations.

These are hundreds of worksites in P.E.I. and almost as many different kinds of industries and occupations.

The Occupational Health and Safety Act applies to all workplaces.

At these sites, each person has his or her own job to do with widely varying responsibilities.

There is one responsibility, however, that we all share. We have to work together to keep people safe from occupational accidents or illnesses.

Occupational Health and Safety Law can be a complicated subject.

What rules and regulations should apply to many industrial procedures and materials used?

What protection are employers and employees entitled to?

Who is responsible for developing, implementing and enforcing health and safety standards for the various worksites for P.E.I.?

The Government's role is to set basic standards.

However, the major responsibility for health and safety at work belongs to those people most affected - - the employers and employees themselves.

The Occupational Health and Safety Act has been proclaimed by the Government.

And the regulations have been approved by Cabinet.

In the Act, an employer is defined as a person who employs one or more persons and includes a person acting on his own behalf/or as a manager superintendent, overseer, contractor, subcontractor, or agent of any person.

The employer is responsible, in the Act, for protecting the health and safety of his employees in every way possible.

The employer must ensure that machines and equipment are safe.

He must acquaint the employee with any hazards.

He must provide information and training.

He must co-operate with Health and Safety Committee.

In turn, the employees have an obligation to co-operate with their employer and to protect the health and safety of themselves and of the others around them.

The Act also set out responsibilities of other parties, including suppliers and self-employed persons.

The Occupational Health and Safety Division comes under the mantle of the Department of Labour/which is under the authority of the Minister of Labour.

The Department of Labour is located at 3 Queen Street, Charlottetown.

The Division is responsible for administering the Occupational Health and Safety Act.

The division director and officers have the authority, under the Act, to enforce the Act/and to write orders for the correction of hazardous situations including occupational hygiene as well as general safety.

In the past, workplace inspections on P.E.I. were carried out by inspectors from the Worker's Compensation Board.

The Occupational Health and Safety Act states that work-place inspections shall be carried out by officers of the Occupational Health and Safety Division/of the Department of Labour.

The staff of the Occupational Health and Safety Division will be made up of officers transferred from Worker's Compensation Board and Government Departments.

The major part of an Occupational Health and Safety Officer's duties involves regular inspections of work sites to determine whether health and safety standards are being adhered to.

All Occupational Health and Safety officers can be identified by the picture identification card signed by the Minister which they will have on their person on entering a workplace.

Whenever possible, the officer will work in co-operation with the employers to help them rectify hazardous situations.

In extreme cases, however, the officer may issue a "Stop Work Order" until the problem has been corrected.

A crucial part of prevention is awareness. Employers are required to ensure that their employees are familiar with their duties and obligations regarding occupational health and safety.

Employees should be aware of the sections of the Act and regulations that apply to their particular job.

This benefits all concerned ensuring that employees know from the outset what responsibilities their employers have as well as their own duties and responsibilities.

The Act provides a mechanism whereby joint Health and Safety Committees may be established.

These committees have the right under the Act to participate in the identification and control of health and safety hazards in the workplace and to make recommendations to management.

Health and safety programs for the education of employers and employees is also provided for.

Training is another requirement of legislation. Employees should only undertake the tasks that they are capable of and trained for.

Should an employee, through lack of training or other reason, encounter a situation where he has reasonable grounds for believing that the activity is likely to endanger his health and safety or the health and safety of any other employee, the Act requires that he immediately report his concern to his supervisor. The supervisor must then investigate the situation and take appropriate remedial action as required.

The Act provides a very definite procedure that employees must follow in exercising their right to refuse.

The right was designed to protect employees in hazardous situations and is meant to be used only in situations where the employee has reasonable grounds for believing that the Act is likely to endanger his health or safety or the health and safety of any other employee. The Act also protects the employer from abuse of the right to refuse by employees.

Employers and employees need to know the hazards of the materials they work with.

The Act requires every employer to prepare a list of all biological, chemical or physical agents used, handled, produced or otherwise present at the workplace that may be hazardous to the health and safety of employees.

The list must be readily available at the site for employees. Copies of the list may also be requested by the Division.

Following any accident that resulted in/or could have resulted in a serious injury, the employer must see that appropriate care is rendered and must notify the Division as soon as possible.

In addition, the employer is required to send a copy of the accident report to the Director.

When an officer investigates a serious accident/or when a person is suspected of having an occupational illness - - the Division may request a medical report.

The Act specifies that the Director may arrange, with the employee's consent, to have the employee medically examined by a medical practitioner/in order to determine whether an employee is suffering from an occupational disease.

In every case/confidentiality is assured. Regulations, designed to provide more detail and practical information on specific topics, have been introduced to further define government expectations.

In the application of the regulations, standards are used that have been developed by independent institutions, such as the Canadian Standards Association/and the American Conference of Industrial Hygienists.

A copy of each standard referred to in the regulations is available for viewing at the Occupational Health and Safety Division, Department of Labour, 3 Queen Street.

The regulations themselves are subject to review by representatives of industry, labour and members of occupational health and safety professions.

The Occupational Health and Safety Act and regulations were developed by the Occupational Health and Safety Council/ which represents all segments of the Island population.

The Occupational Health and Safety Act provides for the continuation of the Occupational Health and Safety Council as an advisory body to the Minister.

Freedom from injury and illness/is a personal commitment. A group obligation. A common concern.

Legislation can help, but it is those who make health and safety count at the work site who are the true protectors of P.E.I.'s workforce.

We have tried to emphasize throughout this program one of the principal goals of the Division is to encourage people to understand their legal obligations.

The Occupational Health and Safety Act and its corresponding regulations establish minimum standards.

The Division's role is to enforce these standards and to provide practical guidance when necessary.

Education and training programs are available through the Occupational Health and Safety Division as are seminars, safety talks and consulting services, but the worksite is where it all starts. Employers have a moral and legal

responsibility to see that employees are protected and employees themselves have an obligation to co-operate with their employer in achieving health and safety goals.

Companies with the most successful prevention records are those whose staff are aware of and implement company policies regarding occupational health and safety.

No industry can be successful/when accident or illness are causing delays and downtime. The only effective way to make a workplace healthier and safer is to have the employer and employees consciously and continuously involved in identifying, controlling and eliminating hazards and potential hazards in the workplace.

Island Tel has shown that the institution of health and safety programs in the workplace has had a dramatic effect on lowering costs of Worker's Compensation Board assessments.

As we enter a new era with the proclamation of our Occupational Health and Safety Act, it is the responsibility of all participants to strive to achieve the objectives of the Act as outlined in Part 1, "To secure employees and self-employed persons from risks to their safety, health and physical well-being arising out of, or in connection with, activities in their workplace."

Iain Galloway:

Thank you Phyllis. I hope that you will take the opportunity to ask many questions. This is only an introduction and we hope to explore further topics. There are many things to explore, not only today, but over the years of experience of what we will have in the future. If you can anticipate questions and problems now is the time to do it. In the course of today, we will have a discussion period and I am asking that each discussion group have either a member of Council or a member of the Occupational Health and Safety Division acting as a group leader resource person, not necessarily so that questions can be directed to them, but at least they will be there to give some sort of informed comment on them. Group discussions come later in the morning but each group will have some responsible person to whom they can turn for question.

Our next segment this morning consists of looking at the P.E.I. scene from two points of view, management and labour and we have with us two well known figures both of whom have had a fair amount of input into this matter, having sat on the Committee for Occupational Health and Safety. Francis Reid representing management, General Manager of Construction Association and Sandy MacKay who is President of the Union of Public Sector Employees. Without further ado I will let these two gentlemen give you their viewpoint on the P.E.I. scene.

Francis Reid:

Thank you very much Mr. Chairman. As usual, labour said management could go first, so I thank you for that Sandy. Really, I would like to thank you for this opportunity to discuss with you occupational health and safety from a management viewpoint. I will be attempting to show how management could look at the new Occupational Health and Safety Act, its regulations and how it can be of a benefit to management, their employees and the community at large.

Management are generally preceived as risk takers willing to put their skills against their competitors in this very competitive world. However, in my opinion, their is one sure loss for management; that is, a gamble on safety and the risk of accident which may cause injury or disease to employees and/or damage to property and/or equipment. Generally speaking, management's responsibilities in occupational health and safety may be summarized as follows:

1. To provide information, instruction and assistance to all staff in order to protect the health and safety of all employees.

2. To understand and enforce the Occupational Health and Safety Act and regulations.

3. To provide all supervisory staff with an understanding of the Occupational Health and Safety Act and its regulations as well as any accident prevention program that management may have created.

4. To provide employees with proper, well-maintained tools and equipment, plus any other special protective devices which may be required.

5. To provide on-going safety and health education programs for the employees.

6. To monitor the safety and health of the employees through their supervisors and to hold the supervisors accountable for their individual accident records.

Many employers, at first glance, may consider that the cost of performing these responsibilities may be an added cost to the operation of their business. Certainly, if management is to act according to its responsibilities, it will cost money; but let me try to point out to you the cost versus the benefits that would be derived from a safe and healthy workplace.

Very few people list the actual costs and benefits. Have you, for example, considered the indirect and hidden costs that one lost day work injury may account for you? Have you considered the productive time lost by the injured employee; the productive time lost by employees and supervisors attending the accident victim; clean-up and start-up operations interrupted by the accident; time to hire and re-train another individual to replace the injured employee until his or her return; time and costs for repair or replacement of damaged equipment or materials; perhaps the cost of losing a valued customer due to a poor performance or late delivery of goods and services; eroded morale among employees and perhaps even lower efficiency; increased Worker's Compensation assessment rates; possible penalties or other sanctions applied where the injury or illness is determined to be caused by a violation of regulations and last, but not least, the cost of completing the paperwork generated by the accident.

It can be seen, therefore, that it makes good business sense to reduce the costs and risks associated with accidents, whether or not they cause workplace injuries or illnesses. To do this, management must set themselves a goal to provide a service or to produce a quality product with efficiency for occupational health and safety.

To accomplish this, you must address occupational health and safety, right along with production, quality control and costs. After all, the costs of the items I have just listed to you must come straight out of the business profits. Can management therefore, afford not to comply with its responsibilities regarding occupational health and safety? I would say that any management operation that lists the costs versus the benefits would, in all cases, opt to accept the responsibilities for a safe workplace for its employees.

To provide a safe workplace, the employer must be committed to occupational health and safety and it must be every bit as important as productivity and quality. The employer must be able to assess the workplace for danger and health hazards and he must eliminate these dangers and health hazards and continue to monitor the workplace to make sure that hazards remain away from his place of work.

In order to obtain and maintain a safe workplace, the employer needs the co-operation of the employee. The employee is required to perform certain functions under the Occupational Health and Safety Act and if the employer and the employees co-operate, the workplace can very easily become a safe and pleasant work area. Later on, Sandy MacKay will be dealing with the employee's viewpoint and how they can co-operate in helping to make the workplace a safer one for all.

To summarize, management must be prepared to accept the responsibilities that are required of them under the Occupational Health and Safety Act and regulations and to provide the people of Prince Edward Island with a better way of life. This, of course, needs the co-operation of not only the employer and employee, but the public at large. I would solicit that each employer and each employee make every effort to make Prince Edward Island free from accidents causing injury or disease to its employees and/or damage to the property of the owners.

Sandy MacKay:

I would like to ask how many people are non-smokers in this room? Great. How many people have a regular exercise program? something you do regularly. Not as many. The people that raised their hands, the biggest reason probably that they are involved in those two questions is that they would like to live as long as possible free from illness or disease. That is the purpose of the Act, Bill No. 42, The Occupational Health and Safety Act. That is why it was developed and if you read the purpose it explains why I think that labour is happy with the book if you look from the front to the back. If you take it in sections, there are sections that labour is not happy with. But if you take the book from the front to the back, labour is happy.

Just to read the purpose, the purpose of the Act is to secure employees and self employed persons from the risks to safety, to their health and their physical well being arising out of and/or in connection with activities in their workplace. What does this mean? What it means for workers is that they should be able to work in a healthy and safe environment.

How do we achieve this? Well first there is the Council. We have an Occupational Health and Safety Council and it is made up of labour and management, technical people. But for the workers, they have a person on it, I happen to be one, there are others you would call labour people, people representing nurses, fishermen, farmers. The purpose and objective of the Council is to prevent accidents and injuries and to work on the well being arising out of the course of work. They also have the job to assist and advise the Minister in programs that relate to occupational health and safety.

Another way to achieve the purpose of the Act was to give workers certain rights. Now, workers have been given two very distinct and very clear rights in the Occupational Health and Safety Act. The right to refuse and the right to know. The right to participate is not in the Act as a clear right, but one of the options, and I will get back to this. The right to refuse - any employee may refuse to do any act at his or her workplace where he or she has reasonable grounds for believing that the act is likely to endanger his or her health or safety or the health and/or safety of any other employee. This is a very important right. One that must be used with a lot of common sense. Its purpose is to ensure a dangerous act is not carried out. An employee should not fear to use this right. It is there to use and it is there for a reason and there are many protections within that right as you will read in the legislation.

The right to know - is titled toxic substance in the Act but also with what Phyllis was saying about WHMIS coming that we will have a national program. This gives the workers the right to know the effects of the agents with which they are working. Employees should not be working with materials unless they have read the data safety sheets and know the effects that they will have on them and the co-worker and the precautions to take.

The right to participate - and I want to apologize for not getting the clear right to have committees because throughout the process it was one of co-operation consultation and in order to get this Act, it was my feeling and many people on the Councils feeling, that you had to back off of some of the issues and it was more important to get the other two rights and get the committee's structure working. Show that if it doesn't work, and there are employers in this province, one the largest employer, who doesn't want to participate in the workplace. It is a tough area because what do you use as the magic number? Some provinces have ten employees or more, some have twenty or more but in this province we have a lot of small businesses and it is a big problem to define how many. So, it was thought we would look at a co-operative approach. Committees function better if everybody agrees on their formation and I would suggest that everybody try and set up safety committees at all workplaces because that you people, workers and employers, know more than anybody. You're the experts, you're the working people, you're the managers of the establishment, you know better than anybody that might come into that room. Although they may say they are experts, you are the experts at your work.

But beware, the committees can only recommend and these recommendations should carry a lot of weight being as they are coming from the two groups that they effect. But it can backfire as I have seen with the committee that I have at my workplace. We made an unanimous recommendation and somebody up the ladder, far up the ladder, turned it down. Now, it makes it hard to get co-operation from workers. It makes it hard for employers to co-operate when their people above them don't realize that the co-operation is the main aspect of this Act. But, don't despair and we didn't. Continue on as you have the other two rights.

Responsibilities. Along with rights, workers get responsibilities. They are listed in the Act and I will read them because it is the duty of the employee and it is very important because if you are going to get co-operation, if you want to have your rights, then you must act on your responsibilities and that is to comply with the requirements of the Act, the regulations and any order made by whomever under this Act. Conduct yourself to make sure that your safety and other people in your workplace are protected.

Report unsafe or unhealthy hazards. Wear and use protective equipment that is supplied. Consult and co-operate with the committee. I hope some employers, especially government, read that one. Report all accidents to the health and safety people. Co-operate with the enforcers and the administrators of the Act and that is very important. No employee shall, and that "shall" is "shall" that doesn't mean "may" it means "shall", remove or in effect make an ineffective protective device, use or operate equipment that may endanger himself/herself or another employee and engage in a prank, contest and feat.

It is important that we carry out our responsibilities in a diligent manner. It is important that we all work together on this issue. You have heard and will hear more that safety and health should be a co-operative venture because we are all winners if everyone is free to live without illness and disease.

Iain Galloway:

We would invite now some questions from the floor perhaps to give us some focus to later discussions and the panel will be the focus of these questions. Hopefully they will be able to respond to them.

Question:

My name is John Morrison and my name was bandied around this morning a couple of times. I just want to give some credit to somebody that didn't get any. I was on the original board, but I haven't been involved with this group for some time. Nevil McKittrick's name never did appear and he is part of this group and very deserving of whatever recognition he can get.

A couple of observations. One is that there seems to be, although there aren't many questions from the floor, there seems to be a concern that we are still not sure who has what responsibilities and how far that responsibility goes and I wondered if you could go through again the employer's responsibility when it comes to the educational aspects of it and I will specifically ask you a question about our particular situation. Data sheets, we are in the chemical business and data sheets are available. However, there is a number of employees who don't read. Now, what do we do with that?

Answer: (Phyllis MacDonald)

John, I would say that is the employer's responsibility to take that data sheet and put it in plain simple English for the employee who might not understand it. The employee may have to work with these hazardous chemicals but he may not have a Ph.D. to help him interpret everything that is on the data sheet. The employer, to the best of his ability, should interpret that for the employee. If the employer himself is having difficulty, then you could contact the Division and as we stated this morning, we have additional expertise now in this area and I am sure we could help you out but the fact remains that it is the employer's responsibility.

Question: (John Morrison)

The question is not whether they can read plain English, the question is whether they can read at all. They can't read the workorders. Now I have got a couple of people who can't sign their name. They simply don't read. Now the point that I guess I am really making here is eventually it comes back to what it was before we started all this legislation which is that it is my interpretation and my direction that they must work with, either that or I don't hire them. What do I do with somebody who can't read? I obviously can't take on the responsibility of teaching those people to read.

Answer: (Phyllis MacDonald)

No, I don't think you can either but I think if one of your workers is working with some kind of chemical that says for instance, he must wear gloves or he must wear protective clothing of some kind, I think you can say in very simple English to that worker, "Look don't handle that with your bare hands or you are going to get burnt." or whatever the effects would be. I think it would be your responsibility to see that that worker knew the basic safeguards that he had to use. I don't think you should have to start an English program but I do think that he should be made aware of any hazards in the workplace.

Question: (John Morrison)

My concern as an employer is, "Is that good enough?" It doesn't sound to me like the responsibilities that I have under this Act that that goes near far enough. If it is, then that's fine.

Answer: (Phyllis MacDonald)

The employer's responsibility under this Act is to make sure that the workplace and the necessary systems of work, tools, equipment, machines and materials are safe and to acquaint an employee with any hazard to be found in the workplace in connection with the use, handling, storage, disposal and transport of any article, device, equipment, biological or chemical agent. So you have to put that in simple language to an illiterate employee if he is going to work with you.

Question: (John Morrison)

Well, I guess that is where my problem is Phyllis. If we have a data sheet that says that this concentration of chemical is so many parts per million, that can really confuse the best of us who are not chemically inclined. Then, the employer really goes back to his original role of interpreting for the employee.

Answer: (Phyllis MacDonald)

Well I don't know whether mixing chemicals for someone who can't read is perhaps appropriate work. Maybe there would be something else in the workplace that you could put him at.

Question: (John Morrison)

Okay, I guess I won't argue that point. But the person will not be employed if that is the case, because our whole process is mixing chemicals in one form or another. Most farmers mix chemicals, a lot of fishermen have chemicals.

Answer: (Phyllis MacDonald)

Well, I don't know. You hear some horror stories of people damaged with chemicals and I think that if it is going to be in the workplace, I think you would be found responsible to see that that employee knew how to use it. Maybe some of the other panel members would like to speak on this.

Francis Reid:

I would just like to make a comment, John. I think it sort of boils down to what your commitment is. If you are committed to just doing what is necessary, according to the Act, then you are going to try to determine where the Act

takes you and what it requires you to do. But in fact you are committed, as the Act says, to provide such available information and necessary instruction, training and supervision as is necessary to protect an employee's health and safety. So if you feel that you want to keep that guy, in my opinion, then it may be necessary for you to train him and to really hand-feed him if it is necessary, because I think it boils down to your commitment. If your commitment is to health and safety, then you will probably have to walk the extra mile if you want to keep that guy in your employ.

Iain Galloway:

Any other questions?

Question:

My name is Paul Newcombe. I work with Maritime Electric. We have instituted, or are trying to institute a smoking prohibition program at Maritime Electric. Can Mrs. MacDonald tell me if there is anything in the Act or the regulations, or in this new Workplace Hazardous Materials Information System that requires the employer to do anything with regard to cigarette smoke?

Answer: (Phyllis MacDonald)

First of all, I would congratulate you for making an effort in this regard because cigarette smoking is the single highest cause of cancer that is known at this time so you are to be commended.

Cigarette smoking and smoking, doesn't come out in black and white that you can't smoke in any place. However, the employee is entitled to a safe and healthy workplace and if an employee complains about smoking in the workplace and if they go so far as to call one of our officers in, the officer will recommend, he will recommend for starters, then it might come to an order to the employer to provide that employee with a smoke free space and our ventilation regulations, our general regulations for the employers responsibility, all of those will cover it, even though it does not say "thou shalt not smoke". So there is all kinds of ways the officers can get around that and I think all workplaces, with what is known now, should do something about that.

I am going to confess something that maybe I will be stoned for up here, but when I came into this room this morning every seat had an ashtray and I said "My goodness, an Occupational Health and Safety Conference and ashtrays", so I just grabbed them all and hid them. So, that may explain my stand on smoking. Yes, we have the means to deal with that. No,not hide the ashtrays, more than that - that was at the eleventh hour today, that was the way I dealt with it here!

Alan Young:

Exactly what has been said was a problem in New Brunswick. We in New Brunswick have had our Act a little bit longer than you have and we were concerned about this smoking and how it can be interpreted in the Act. There is nothing in the New Brunswick Act about smoking. There is,of course, a part about the environment. So it is possible for workers to complain about the environment in my office is not good enough and I refuse to work. This has happened in about half a dozen cases. What usually happens is that it is resolved.

Question:

My name is Julier Gaudin. I work for Diagnostic Chemicals. As the name would imply, you can probably assume that we have quite a barrage of active ingredients around.

I was a little concerned about what would happen in terms of labeling in French and English. Does it have to be provided everywhere or only where it is needed? One of my main questions is that our suppliers are world wide. If it is supposed to be labeled in French and English for transportation within Canada, do we have to inform our suppliers from outside the country that they can no longer supply us unless they are willing to label in French and English during transportation?

Answer: (Phyllis MacDonald)

I know that the WHMIS requirements will govern anything imported into Canada and if you have world wide suppliers, they will have to conform to those regulations and they're not made here on the Island, they're made by the ten provinces.

Jack Noonan:

The question was on French and English labeling. The answer is "yes". It's a Federal Law. To bring it into the country you have to have it properly labeled in both official languages. Game over, that's it. Anybody that doesn't want to do that, their products don't get in and it's just that simple and it is a Federal law. The regulations are subject to some change perhaps but the legislation is in. However, within the workplace it will be a provincial thing. The HPS handles importation and sale of products and that's all the Federal can do. Your provincial legislation will have to pass regulations with regards to materials in-province. What WHMIS is going to do is make it easier for the employer, the employee and quite frankly, the manufacturer because as Phyllis said by and large it is a Pan-Canadian thing and you are not going to have to worry about thirteen jurisdictions wanting some difference in the label or the MSDS. So the manufacturer is going to be happy with it and they have been involved in it. The employers are going to get something that they have had to fight for in many cases.

The employees, of course, are going to have maybe more than they really require because the employee I think is interested less in what he is working with but more in how to use what he is working with properly, what to do if there is an upset and how he has to protect himself and how to dispose of it if there is a spill. The label and the MSDS will give them that. It will give them a hell of a lot more than he requires but it will be there for him.

Question:

Chairperson, ladies and gentlemen, brothers and sisters. At this moment I would like to share with you all some pretty scary figures. Some of you may have heard them before. In Canada, a worker dies on the job every six hours. A hundred and thirty workers are injured on the job every fifteen minutes. One worker in ten is injured every year. Up to one thousand five hundred workers are killed on the job every year. Twenty thousand workers are permanently disabled every year. Fourteen thousand workers are in the hospital every day due to a work related injury or illness. I want to leave you with three facts: For every day lost in Canada due to a strike and lockout, six working days are lost through workplace accidents and diseases. Illness and injury on the job cost

eight hundred million dollars in direct costs and three point five billion in indirect costs and that was in 1976, so you can imagine they must be much higher this year. The yearly cost of workplace accidents in Canada is over four billion dollars. This total includes lost wages, pensions, medical expenses, lost production, damaged machinery, administration. It is just something to think about. Those figures are really high and I think we as union people and management people, we are going to have to all work together to change this.

Iain Galloway:

Are there other questions or observations? I'd mention one myself in connection with Alan Young's comment about the human rights aspect of smoking. Coming back to that question again for your information, at the University the Vet College says "No Smoking", fairly obvious as it is a medical facility, but they don't provide anything for smokers. There is no provision whatsoever. If you want to smoke you just go outside; you go away from the place altogether.

There have been some people griping but there is absolutely no smoking, not even in individual offices. You just don't smoke in that facility at all. I don't know of any other workplace where there is nothing provided and no intention to provide anything. It is of course an effort, as Phyllis would agree, to stamp out smoking as much as possible and not expose people to unnecessary smoke but I throw that one in as a matter of interest that there may be human rights involved, but in that facility at least, there is absolutely no provision for smokers.

Jim Gill:

Greetings and at the risk of stealing a line "Welcome to the 1980's! Prince Edward Island has become the last province to adopt what we in the union movement have considered since the early 1970's to be necessary health and safety legislation.

In the early 1970's Saskatchewan introduced health and safety legislation which gave workers three basic rights: the right to know, the right to participate and the right to refuse. After that workers across the country demanded and, province by province, won those rights.

Workers must have the right to participate in the day-to-day detection, evaluation and reduction of workplace hazards. Joint Health and Safeth Committees are the vehicle for that participation.

Workers need the right to know about the hazards in their own work enviroment.

Finally, workers need the right to refuse work which they believe is unsafe to themselves or any other person without fear of repercussion.

These three rights, the right to know, the right to participate and the right to refuse are, according to Bob Sass, former Deputy Minister of Labour in Saskatchewan and Architect of Canada's first 'Modern" Health and Safety Act, "Like different gears in a complex mechanism: remove one and the machinery breaks down, becoming immobile and useless."

And we are here now to look at the new legislation which gives Island workers those rights. In my remarks today I want to comment briefly on your legislation and then discuss what seems to me and to others to be the next stage in the struggle for healthier and safer workplaces.

Your new Health and Safety Act embodies the three rights which we consider to be the basic requirements of any Health and Safety Act, the right to know, to participate and to refuse. But it is not yet perfect. It will need amendments.

Workers in Prince Edward Island <u>have</u> gained the right to know. The law requires employers to identify the chemicals in the workplace. Nationally, the Workplace Hazardous Materials Information System (WHMIS) is in place and due to become law within the next year.

But, joint Health and Safety Committees are not yet required on Prince Edward Island. They exist only when agreed to by the workers and the employer or when ordered by the Minister. But the discretion of the Minister, no matter how well-intentioned is not a substitute for mandatory committees.

And workers in Prince Edward Island have won the right to refuse, sort of. They can refuse when they have reasonable grounds to believe the act is likely to endanger their health or safety or that of another worker. The Act also provides that the employer cannon take discriminatory action

against a worker for using the Act. But, and this is a big but, a worker who is found to have used the right to refuse frivolously can be penalized. What this does is undermine the worker's right to refuse, the worker's right to have some control over his/her working environment.

In spite of these weaknesses in the law, it can be made effective. But it will take work. We have trained. We trained as many workers as we could in the Law and its application. We trained workers in hazard recognition and hazard control. We trained workers to use their committees to get changes made. And we are still training.

We have used collective bargaining to add to the rights which we achieved in law. We have won in-plant health and safety representatives, chosen by the Union and paid for by the employer. We have won paid educational leave so that workers can get health and safety training. And we have won union-delivered health and safety training for all workers.

Finally, we have lobbied, Provincially and Federally, to win improvements in the health and safety laws of this country. And we will do the same in Prince Edward Island.

Along the way we have learned some things. You may in time learn the same things. Without training the law is not effective. Without workplace organization, without strong Union representation, the law is not effective. Joint Health and Safety Committees - the workplace forum for winning improvements in health and safety conditions - may have joint representation, but they do not have equal representation ... not equal in terms of power.

Joint committees, by legislation, are advisory. They are without real power. Look at the words used to describe their functions: making recommendations, participation in identification, informing, co-operation, invitation, etc. This isn't to say that some good won't come from the committees. It undoubtedly will. Changes will be made, changes for the better. But when the point is reached where the changes require the spending of a lot of money, or where the changes mean redesigning the work, management's power will take over. And it will be obvious who controls health and safety in the workplace.

An individual employer can make a decision that the committee in his/her workplace will be effective. He/she can appoint, as management representatives, people with decision making power. He/she can agree to abide by the Committee's recommendations. But, employers like this are not the norm.

The Government can make a difference too. Inspectors can uphold committee recommendations and insist that employers act on them. But, inspectors like this are also not the norm.

The Government can move to amend the Legislation to give the committees real power over health and safety matters. But, governments like this are not the norm.

Health and safety in the workplace is an issue of power, the power to determine how work is done.

Even if we were to eliminate all the chemical, biological and safety hazards in the workplace, work as it is presently done would still threaten the health of the workers. We are learning the costs to our health of workplace stress, stress caused by the design of jobs and the organization of work. Stress caused by the deskilling of workers. Stress caused by technological change. Unless and until workers can participate in decisions about these aspects of work, workplaces will continue to be dangerous. And existing health and safety laws in this country do nothing to address these hazards. Existing health and safety committees cannot.

From the very beginning it has been clear that health and safety demands a fundamental change in the way in which power is distributed in the workplace. From the very beginning we have realized that if workplaces are to be made safe and healthy, workers will need some power to implement changes in workplaces, work and work organization.

In this country joint health and safety committees and the right to refuse were first, tentative steps towards greater power sharing. And they represented significant advances over what had existed. But we now know that they aren't enough.

Workers across Canada have come to recognize that without the power to implement its recommendations, the joint health and safety committee, even an effective one, is still restricted by management's rights to control the workplace.

The new demand for change is for power for the joint committees, for the sharing of rights in the workplace.

Work is fundamental to the way we live, to the way in which we see ourselves. What happens to us at work is vitally important. In adopting health and safety legislation we are saying that we do not believe, as a society, that work should make us sick. Now it is clear that we must be prepared to go a step further. Work should be designed in such a way that individual workers can be fulfilled; work should be designed in such a way that workers are satisfied.

This is not removed from health and safety. Job satisfaction is the single best predictor of longevity. The way we feel about ourselves determines in part our ability to withstand stress, stress which can result in accidents.

What we need to do is recognize that health and safety cannot be neatly pidgeonholed, distanced from more general concerns about work organization and design. What we need to do is recognize the centrality of work in our lives.

First, the three basic rights, the right to know, the right to participate and the right to refuse must be expanded.

The definition of health and safety matters must be broadened to include issues of work design and organization, issues such as monotony, scheduling, pace of work, management style.

Joint health and safety committees must be transformed. Committees must have power to investigate hazards and make changes in the workplace. Committees must have budgets to investigate hazards, do research or consult experts.

Workers must be given increased control over their working conditions. They must be given the right to participate in decisions which affect their health and their safety. Their health and safety cannot be traded off for increased profit, or in this time of economic uncertainty, for decreased loss.

I can hear some of you saying ....But we just got our Act. Surely we need some time to make it work, to learn for ourselves its limitations. And I hear others saying ...This is ridiculous; It goes way beyond health and safety.

The skeptics among you are right. You do have new legislation. It should be used. It should be tested actively to its limit. Get all that you can from the Act. But, when the time comes to admit that it has done all that it can and when it is clear that something more is needed, be prepared to admit that.

But the skeptics among you are also wrong. Worker control over, participation in, decisions about working conditions is about health and safety. And it isn't fanciful. It has been tried - extensively abroad, particularly in Norway and Sweden - and in one short lived experiment in Saskatchewan.

You have gone the first step with your new legislation. Don't be afraid to take the next.

AFTERNOON SESSION

Iain Galloway:

I have been asked to mention to you for information the present membership of the Occupational Health and Safety Council under the Chairmanship of George Proud who you heard from earlier. We have representing labour, Sandy MacKay; representing management Francis Reid. Both of whom you heard from this morning too. Then the Agriculture Industry is Herb Pridham. Manufacturing, Nevil McKittrick. Women, nursing, Sandra Gordon. Fishing Industry. Public Sector, Cecil Dunbar. Worker's Compensation Board, Leo Rossiter, and the Medical Society, Dr. John DeMarsh. We have two ex-officio members of the Council as well, Charles Campbell, our Deputy Minister of Health and Social Services, and Roger Kennedy, Assistant Deputy Minister of Labour. These are your present Council members. These people are available to answer questions in their individual jurisdictions.

This morning we heard comments and a discussion of what is happening on P.E.I. or the P.E.I. perspective on things and the theme this afternoon is to broaden our viewpoint to include the whole Maritimes. For that reason, we invited someone from each of the three other Atlantic Provinces, Newfoundland, New Brunswick and Nova Scotia. Representing Management, Brunswick Mining and Smelting, on my immediate left is Allan Young. In the middle we have Jack Noonan who is Director of Occupational Health and Services Division in Nova Scotia and is a Government figure representing the third element in the equation, Labour, Management and Government, and from Newfoundland, representing Labour, we are happy to have with us Vince Rose who is with the Association of Public Employees in that Province. Some of our neighbours haven't had much more experience than we've had. But anything they might want to say in respect to the experience they may have noted in their own jurisdictions will be of great interest to us so that we can perhaps base ourselves on whatever snags or advantages they may have found in the Act.

Allan Young will speak on behalf of New Brunswick. Allan Young who is with Brunswick Mining and Smelting is a metallurgist originally and presumably in a field like mining and smelting he deals with all sorts of hazardous situations; therefore, occupational health and safety must be very pertinent for him.

Allan Young:

There are many areas where labour and management agree in the area of occupational health and safety. Much of what I have prepared to say to you today and to give you in my speech would involve a lot of repetition.

What I'd like to do therefore is give you a brief history of the start of the Commission in New Brunswick, its success or failure, what we see for the future, and finally to express to you some of the concerns that I and a few other management representatives have in the areas of the three "R's"

The Right to Know

The Right to Refuse

The Right to Participate

In the 1970's, there were problems in the Province: problems of strikes, wildcats, work stoppages -- all related to occupational health and safety. Government became involved, saw a need for new legislation and following a study by a group of labour and management representatives called "The Boudreau Commission", came out with some recommendations one of which was the setting up of the present Occupational Health and Safety Commission which was finalized in 1980.

The new Commission was instructed to produce a new Act which was finalized in 1983. The cornerstone of the new Act were:

The Right to Know

The Right to Refuse

The Right to Participate

It is now seven years since the Commission was started and four years since the new Act was proclaimed. Has it been a success or a failure? The figures on slide 2 do show a reduction in claims and major injuries, not enough to satisfy us all but nevertheless there has been a reduction. It is still not satisfactory, and we must continue in our efforts at accident prevention and if possible, elimination.

On slide 3, we can see the results of the New Brunswick Sixth Occupational Health and Safety Conference. There were 800 people attending made up of 45% labour, 25% management, and 20% others; others being government and academics.

There has been such an increase over the years in the number of attendees that we now have to hold the conference in two hotels and next year, perhaps three. This year, eight provinces were represented with only B.C. and Saskatchewan not sending representatives.

Slide 4 indicates to you what we are looking for in the future in the matter of occupational health and safety.

We see such time devoted to WHMIS, in particular with regard to employee education and training. We see our own regulations being re-introduced in 1988 after having been rewritten by technical committees made up of labour, management and government.

We await the results of the W.C.B. study and how it will impact on occupational health and safety, particularly in the areas of W.C.B.-O.H.S.C. cooperation and experience rating.

The future looks bright and busy but there are some problems which are beginning to appear, particularly in the area of committees and the right to refuse.

The right to refuse is being used more and more by some unions to disrupt operations and not solve the problems of unsafe conditions. Union committee members are not accepting their responsibilities enough and will not decide on refusals at the work site but will hand all refusals to the Safety inspectors for resolution. They must accept their responsibilities and if they think a job is safe, they should say so, even if it is in conflict with their position as an elected member of the union.

I am becoming convinced that members of safety committees should be appointed to the committee and not elected to it. The union executive where one is in place should appoint the representatives to the committee to ensure that an employee dedicated to health and safety gets the position and not one who only has an elected office in mind and is good at politicing.

I want to emphasize that only by cooperation and working together can we prevent illness and injury in the workplace. Do not allow abuses to break down the system because if you do further improvements in the area of occupational health and safety which you seek may be difficult to obtain.

H I S T O R Y

1970's PROBLEMS

1980 - ACT START
COMMISSION START

1983 - NEW ACT

C O R N E R S T O N E S

1. RIGHT TO KNOW
2. RIGHT TO REFUSE
3. RIGHT TO PARTICIPATE

SUCCESS OR FAILURE

	PER 1000 WORKERS	
	CLAIMS	MAJOR
1979	109	52
1980	105	49
1981	102	51
1982	98	51
1983	90	45
1984	91	45
1985	88	41
1986	88	41
1987	?	?

CONFERENCE - 1987

ATTENDANCE	800
LABOUR	-45%
MANAGEMENT	-35%
OTHER	-20%

PREVIOUS CONFERENCES

1982	200
1983	300
1984	400
1985	500
1986	650
1987	800

EIGHT PROVINCES

NOT

B.C. or SASK.

FUTURE

WHIMIS

NEW GOVERNMENT

WORKERS' COMPENSATION STUDY

EXPERIENCE RATING

Iain Galloway:

Introducing now Vince Rose from Newfoundland. He is a full time Occupational Health and Safety Officer with the Newfoundland Association of Public Employees and also teaches day and week long schools on occupational health and safety in Newfoundland and Labrador.

Vince Rose:

Thank you Mr. Chairman. I guess I should bring greetings from the great province that I am representing and especially from the President of the Federation of Labour in St. Johns', Brother Bill Parsons. Our previous speaker said he re-wrote his speech and threw it out during the lunch break. I was just about ready to throw mine aside and make some rebuttals to some of the positions that he took but I won't do it. I will stick with my original speech.

Back some few months ago, I had a phone call from Jim Coles asking me if I would participate in your 21st Annual Labour Management Council meeting. I thought it was a great honor to be able to participate and he left me with the impression that he was going to give me approximately an hour. So I said,"Okay Jim, now what would you want me to do in that hour?" Well he said, "I would like for you to do a review of your legislation in your province and then touch on some of your experiences". Now I sat here this morning and I saw you doing a film on your own legislation that you just introduced which took approximately twenty minutes, and getting involved in some of the experiences that we encountered in our province, it would probably take me an hour. But I had another phone call from him saying well okay at least we have our format outlined and we would like you to present probably a fifteen to twenty minute speech. So I said "Very good Jim I will try to accommodate you." He said, "But I still want you to try to do an overview of your legislation and experience". Now he must have thought I was the Great White God from the East because I can't do it. But I will try to touch on some of the things, some of the experiences and I will try to combine both.

Our Occupational Health and Safety Legislation came into effect June 1978. But let me tell you that this wasn't just passed to us on a silver platter, similar to the situation that you had here, the labour and other concerned groups actively fought for their Occupational Health and Safety

Legislation. We had the same experience home. In fact, it had to take a withdrawal of service from a group of miners to really accomplish our Occupational Health and Safety Legislation. They had walked the street with a picket sign for some seventeen weeks. It was during this period that the Government of today, at that particular time under the Premiership of Frank Moores, agreed that they would set up a committee to look at implementing an Occupational Health and Safety Act.

As a result of that labour dispute, it sort of brought everything to a head and we were graced with an Occupational Health and Safety Act.

You will find that Occupational Health and Safety Legislation across Canada is very similar. But I would like to spend some time, even though our legislation in the Province of Newfoundland may be quite similar to yours, reviewing this with you.

The Occupational Health and Safety Act at home is administered by the Department of Labour and Manpower. Its provisions apply to all workers in the province with the exception of mining which has its own mining regulations and also for Federal Public Service Employees who fall under the Federal jurisdiction. Any other worker in the province is covered by our Occupational Health and Safety legislation.

Our legislation outlines the general duties of employers and because of the time restraints, I am not going to follow all these down but basically the same thing, very similar to your legislation, the general duties of employers, general duties of self employed persons. It also gives the three rights underneath the legislation, the right to refuse, the right to participate and the right to know.

I think that I would agree with the previous speaker, they are a must. They have to be the corner stone of any occupational health and safety legislation whether it be here in the province of P.E.I. or in Nova Scotia or in British Columbia.

It also provides for the establishment of Occupational Health and Safety Committees in workplaces where you had ten or more employees. Where you had less that ten workers in the workplace, you had a right to elect, I will repeat that again, a right to elect a worker representative that was

given the same rights underneath the legislation as an Occupational Health and Safety Committee. I sort of cherish the right to elect. If I sound biased, I mean to be biased. A worker, a group of workers that has a right to set up an Occupational Health and Safety Committee in the workplace should also have the right to elect who they want to represent them on that committee. I don't think there is any more democratic system that can be brought into effect that the right of a worker to elect who whey would like to have represent them rather than have somebody just go out and appoint someone to represent them.

On that point alone, I would have to support the fact that workers should have and maintain the right to their participation and also elect who they want to represent them on their Occupational Health and Safety Committees.

It also gives workers the right to information. Not only to information but also for instruction purposes. The employer has annually to supply workers that are sitting on Occupational Health and Safety Committees two days per year for educational seminars.

The worker's right to refuse has been addressed so many times today, I don't think it will be necessary for me to elaborate on. It is basically the same legislation in your province on the right to refuse as we have at home. There is a procedure to follow and if you want to speak to me after I will only be too glad to explain the procedure that you will have to follow if you are going to use your right to refuse.

The Act is enforced by the Executive Director of Occupational Health and Safety Division, a person designated by him or her or an Occupational Health and Safety Officer. So, really the Act is in the hands of the Occupational Health and Safety Division and they are left with the responsibility to make sure that the Act is respected. Also, our legislation provided for an Advisory Council to advise the Minister of Labour of any changes that they would see would be warranted to be made under the Occupational Health and Safety Legislation. That Advisory Council is also made up of representatives of labour, government and employers. The only thing is that the names of labour's representatives are submitted by the Federation of Labour, and usually the Minister of Labour then just picks who Labour's representatives are going to be. They co-operate with the Federation of Labour in their nominees to the Advisory Council.

The members of the Advisory Council are not elected. Their names are submitted, Labour's representatives I don't know how government puts their people there, I have a fair idea. I don't know how employers put their, I have a reasonably good idea but I know how Labour's representatives go there, is that their names are submitted by affiliated unions that are affiliated with Federation of Labour. Their names are submitted by the Federation of Labour.

Basically, that is an overview of our legislation. Now some of the positive things at the present time in our province. There is in excess of eight hundred Occupational Health and Safety Committees, that's a plus.

I was talking to the Occupational Health and Safety Division yesterday morning before I caught a flight out to here. Their estimation is that 80% of those are active committees. The committees have to sit under the legislation at least once every three months but if there are certain issues that arise in the workplace that are considered to be dangerous, dangerous to the health and safety of a worker, the Occupational Health and Safety Committee of that particular workplace can call emergency meetings. So you can have meetings basically on a weekly basis or a daily basis, but usually those kind of things don't occur.

Referring back to the right to refuse and the problems that were anticipated when we were granted that right under the legislation, it was a concern of the employers that everybody would be abusing that right. For the information of our previous speaker, since our legislation was introduced in June of 1978, as of January 1st, 1987, the province of Newfoundland only had nine refusals. So I think that the workers have been very reasonable in their rights in using that particular right to refuse. Who would consider nine refusals over a period of eight years to be abusing their rights underneath the legislation?

Basically if you would look at the legislation having been implemented, some of the positive things, I will give you one or two examples and I could look back five years ago to the Department of Transportation that their facilities and their machinery was almost obsolete. It wasn't fit to go on the highways and it wasn't fit to work in the garages that they were operating in. I am very pleased to say that in the last five years that they have improved their facilities at least, I am being very conservative, seventy-five percent.

Now that is not satisfactory, we would like for it to have been improved one hundred percent but as everybody is aware when you are talking about Government as an employer, that some of the expenditures of money has to be waited on from one budget to the next. So for over a five year period I would have to sort of throw a bouquet to our present government in terms of occupational health and safety in the improvements they made in the Department of Transportation. I can go on in several other cases. The only point that I am trying to make is that Occupational Health and Safety Legislation is a positive thing. The only recommendation that I will make to you people here as workers and for you who have the responsibility of implementing this legislation is to make sure that you use your rights accomplished under the legislation.

Iain Galloway:

Our last speaker from Nova Scotia, John Noonan is Executive Director of the Occupational Health and Safety Division. He is an engineer to trade as he has mentioned already. He is also a Governor of the Canadian Centre for Occupational Health and Safety in Hamilton, Ontario.

John Noonan:

Although the P.E.I. Legislation has just come in a short time ago, ours in Nova Scotia didn't come in that much earlier. Our legislation was proclaimed January 1986. I would like to think that we waited for everybody else to make their mistakes so we could profit by them, I doubt if that happened because as we happened to say at the discussion group that I was in this morning, nothing is ever perfect. There are always questions that are raised, interpretations that are made. In any case, the legislation in New Brunswick, in Nova Scotia, in Prince Edward Island, in Newfoundland and B.C. practically mirrors each other. There are small nuances in it. They use words like "reasonable". They treat discrimination perhaps in a different way but fundamentally, they have the same things. They have the three foundations, or corner stones as Alan pointed out, the three "R's". There is a fourth "R" by the way that all the legislation has and that is responsibility. That responsibility is down in hard copy now, the responsibilities of the employer as well as the employee which were always there but now they are down in black and white. Ours is still a learning process. The learning curve is still on the way up, as is I think, New Brunswick's.

This morning during the discussion I am afraid that I was a bad guy in that I was asking a lot of questions of the group instead of letting them ask because I got onto things that are of concern with me. One of the corner stones that Alan pointed out and one of the foundations, the read foundation of all this legislation that we have, is the Safety Committee. It's an internal responsibility system that can't work unless that Safety Committee is working, and for the Committee to work, they have to really put into it, both the employee reps and the employer rep. You have to get a person who is not worrying about getting elected, not worrying about how he shows up at the union meeting. Mainly he has to be interested in safety and health.

I said this morning that the worst guy you want on a safety committee is the personnel manager because he is the guy who has to deal with conflicts and likewise I am not to sure I want a Union Steward on it but I am open for suggestions. But it is very difficult for the man or the woman who gets on that committee. They had their own little hobby horse that they operated on in one corner but now they have to look at the whole problem. There are a lot of people out there that still have the hobby horses and are pointing fingers. A committee is the basic cornerstone of making legislation work and by-and-large, in Nova Scotia at least, legislation says that anybody who has more than twenty employees is required to have a Safety Committee. To this extent, we have about sixteen hundred Safety Committees functioning out of the twenty-six hundred who have more than twenty employees.

We are finding now that the employer is waiting until one of our Inspectors arrives, and we have got a three vear program of trying to hit all these companies. They are waiting for us to come and tell them to form a commitee.

The Committee is important and I can't stress enough how important it is that the safety and health aspect be segregated from the employer relation or the personality conflict. In Newfoundland they've had nine registered refusals? Nine, and they have had their legislation longer than we have. We have probably had twenty calls with regards to right to refuse. Probably all but two of them involved employer relations or personality conflict rather than a safety and health matter. Safety and health was there but it was off in the side.

I must say that my inspectors are not experts in employer relations. They are good nuts-and-bolts guys and when they get involved in this type of thing they are out of their element. When I say twenty rights to refuse there has probably been hundreds where they have been asked to come in and make some decision, and the safety and health aspect solved with no problem at all. Employer relations is not what they are into and it is something that as employers, as employees, we really have to take into account if you are going to make this legislation with the internal responsibility system, work the way it is suppose to.

Iain Galloway:

Thank you Jack. We are moving right along but we will entertain questions. It is an opportunity for those of you who are interested to hear what is happening in other jurisdictions that may not have been mentioned yet. You may want to zero in on one or two points. I don't want too many questions because we do want some time for the discussion groups. If you have any one line questions I will be happy to repeat it into the mike. It saves you going to the mike. If you have got a major observation then please go into the mike.

QUESTION: How many of the nine were vindicated as being legitimate?

ANSWER: (VINCE ROSE) All nine were vindicated. If I may, I might add that under our legislation there has been charges also laid where the employer and in one particular case the worker violated the legislation and was fined. Underneath our legislation similar to what you have you can be fined, either receive a fine, imprisonment or a combination of both.

Allan Young:

Of course, don't let's be mislead by numbers, although I gave you a lot of numbers, I wasn't intentionally misleading you. What Vince is saying is that nine came through to the Commission. What we never seem to have figures of is how many work refusals occur in the workplace that are resolved. We only hear about the nine because they were not resolved and they went the next step. I would like to suggest that there are many more that occur. I don't know what the multipication factor is but it might be ten, it might be a hundred, work refusals that occur on the workshop and are resolved and that's good, that's how it should be. In fact, nine I think is, I am not going to say it is excessive, but nine is a high number in my opinion. Now Vince seems to think it is a low number. What I am saying is they should all have been resolved. The nine that went through meant that the

employee and the company did not agree and it had to go the next step. One would hope that all, and this may be looking at the world with rose colored spectacles, one would hope that all of the work refusals were decided on the worksite, with well meaning, committed responsible people.

Iain Galloway:

Further observations or questions? Some of you have been privileged to have these gentlemen sitting in your discussion groups so you can get to them there but this is your opportunity as a general group to get at them. It was brought to my attention at lunch time that there were some people who were really interested in the Federal Jurisdiction which is different from the Provincial and they have particular questions pertaining to that. So we have agreed that we will have a Federal group, an eleventh group with John Lawrence who is the local Federal Officer in Charlottetown, chairing that group or being the group leader.

DISCUSSION GROUP REPORTS:

Barb Boudreau:

I'm Barb Boudreau and I was elected to report for group "A" and "B". Some of the things that we battered around in our group. First of all we talked about the right to refuse. We addressed the whole issue of the right to refuse. How important it is to have the right to refuse in the legislation. We felt that the onus is on the employee not to abuse that right but also that they should use that right to refuse when they feel it is necessary and not be intimidated to use it because it is in the legislation.

We talked about the structures of the committees, the Health and Safety Committees where they are already in place in the workplace, how they were set up, the representation, how it came about.

We talked about the Act itself. Did it go far enough? And there was a lot of discussion on different issues on that. We got into a fairly controversial issue on the Aids issue, whether you have the right to refuse in a Health Institution, if you felt it was a health hazard to you if you were working with an Aids patient, whether the whole issue around the right of the employee to know and to participate in the care for the patient.

We felt that there is no real direction now on the whole issue of the right to know. At the present time different employers have different policies on it so we just talked about it generally.

We talked about the experience rating which was addressed by one of the previous speakers this afternoon about where the employer refuses to, or not necessarily refuses, just doesn't report accidents in order to lower their rate of accidents in the workplace.

This afternoon again we talked about committees. We sort of got into some of the same topics that we talked about this morning, the committees and how they are structured. One thing that we talked about on the committee structures is the idea that what rights the committees have. How the educational process should work and we felt it was very important that the committee, first of all when they get structured that they are educated in the roles that they play on the committee. We think that's very important first of all, that every one of those committee members know what their role is before they start actually working on problems. Whether that takes three or four meetings or day long meeting, or two or three days, we felt that the employer, under the Act, has to provide that educational process for the committee members first of all. It doesn't necessarily say, it is not spelled out, but they have to educate the people and I think they have to start with the committees first if they are going to pass that on. We think that that is very important that the committees know their roles before they actually start dealing with anything. Education is very important. We felt that education to the members, to our own members and to the workplace environment is very important.

We got into a lot of talking on smoking and that's a pro's and con thing. I think everyone has their own opinion on smoking whether it should be a smoke free environment or not and we just batted that around for a while. Everybody had a few words to say about that. Our committee was structured with mostly all union people, we had two management people but we didn't get too contraversal.

Brenda Coles:

We had a very constructive session. Addressed most of the issues. A lot of the issues that Barb talked about.

One of the first questions that was proposed or asked was "Has Legislation made any difference?" and the answer we came up with was that people become more aware of their rights and how they complain to management and what response you get, how to act on a response.

We also discussed whether or not there was health and safety committee in the institution or place of employment and we found out that there was some committees active and some had become active after the Labour Act was passed.

The question was asked "How did you get information around to other employees other than the ones that were on the Committee? and it was suggested that the minutes were posted in various areas throughout the workplace and everybody knew who were on that particular committee and they could read the minutes at their own leisure.

Mainly we addressed most of the issues that Barbara talked about, although smoking didn't come up. There were quite a few smokers in the group I was in. If you have a complaint, it was suggested too that you also give a solution to that complaint. I myself, had brought up a complaint that yesterday I was in Charlottetown and went to a bathroom in one of the local establishments and as I went in one door there was somebody coming out the other door and I got hit and my glasses look like something you would need to unscramble, which wasn't really a happy story. Then I had to get someone to drive me somewhere to get them fixed and that could happen to anybody. There are lots of things that come in underneath the Health and Safety that should be addressed, brought to management, but I think if you think there is a solution you should present it and the whole group thought that. It was suggested that if you don't have a committee maybe you should look into getting one.

Iain Galloway:

We had a great discussion in our group. "D". "E" and "F". We came to the conclusion that "D", "E" and "F" were in that people with the names starting with "D". "E" and "F" were actually the best group in the hall. Consequently we covered a lot of various, interesting points. We did, however, come to one conclusion though and that shoots down my first theory that we had very few management people in our group so I guess consequently, we did come to the conclusion that maybe there is no "D". "E" amd "F" management people around. In any event, we did have a very good committee here.

We discussed areas that have already been touched on here of course. We did touch on a few extra ones, and I am not going to elaborate on the ones that have already been touched on because we felt the same things.

We did take a look at the lack of management representative in the group that we were in but that was just as I said the way the selection was processed I would presume.

There was a concern with reference to the officers' authority on closing down, close down orders. If a job is closed down for a lack of safety equipment or whatever, there was a concern that there may be a loss of revenue or lost money. If it is a part time employee that was actually sent home because of the fact that the job was shut down, was there any remuneration or whatever for that sort of a person? That was basically a concern of the group, particularly with part time people. However, I think we came to a consensus that close down orders are used very seldom and are not for long periods of time and this would eliminate any problem with part time people losing money.

The other concern was "Why aren't Committees mandatory in the Legislation in P.E.I.? So, they felt that it should have been a mandatory thing to have a committee appointed. However, we did look at the Act and it came to a point if they thought that there was need for a committee this could be a committee where a representative could be appointed. They thought maybe it should be actually in Act that committees had to be.

It was also thought that in putting together these groups, there should possibly have been guidelines given out to each one of the groups so that we could follow a specific guideline so we wouldn't be repeating things that have already been said. Maybe one group would be given a guideline for something and another group to given a guideline to talk on something else.

There is also a question or thought about efforts to reach nonunion sector. What efforts are being made to reach the nonunion sector of employees, who are quite a few in Prince Edward Island? My response to it is that we are making efforts to reach as many people as we can.

Concern about getting information to all the employers on this sort of new legislation and the Act and the regulations and again, this is a learning process that is taking time. Hopefully we will try to get this out with sessions such as this and with visiting various employers and various employment industries or whatever.

We did talk about the right to refuse. There was some concern that there was, it was weighted more towards the individual rather than the company type of thing and this was just batted around a bit but when it was explained out I think about how the right to refuse is administered, that concern seemed to die.

There was also a question from our group about legislation on stress. Is there any legislation on stress in our Act type of thing? We didn't really come to any conclusion on that. There certainly is not any legislation on stress but it is a problem in the workplace, there is no question, and I think one of our speakers this morning, or at noon, alluded to that.

In our group we were very fortunate to have our new Industrial Hygienist with us and he took a lot of heat off me supposedly because he did enter into a lot of conversations relative to what his role was going to be and it was very interesting and when he was talking we all kept quiet and listened to him and this is very worthwhile I thought. He was talking in one area there that was on long term effects of exposure to chemical agents that was interesting. I think we covered a lot of ground and we had a very good session.

Iain Galloway:

Thank you. Sorry to hear there weren't any "D", "E", "F" management people, perhaps there are some "DEAF" management people. One little point that was mentioned there was about the group subjects and maybe some orientation of individual groups. One of the problems there of course is finding which group is dealing with the subject you are most interested in and what we were interested in today was really finding out by a process of natural selection, if you like, what were the main topics that seemed to be interesting to you. So that's why we left it rather open to discuss any aspect of the Occupational Health and Safety scene and we have already seen a pattern I think developing about the kinds of things that are the main preoccupations of people.

Julien Gaudin:

There were only really a couple of areas that we touched on that haven't been mentioned so far. The first one - there seemed to be some confusion in our minds, at least in one area of the book that we were looking at, as to who is responsible for the protective apparel, for supplying and maintenance. None of us in the group seemed to have a definite answer on that.

Another item that we brought up, I think probably I brought it up as much as anybody else, what constitutes a reportable incident? For those of us who have not maybe been through this type of thing very much, it would be nice to have some type of a guideline as to what is reportable, if somebody nicks their finger. There was a case that I pointed out one time about a girl who had cut her finger and she went home for the weekend and saw the doctor on Monday or Tuesday and it was infected by then and I get a request from the Worker's Compensation Board wanting to know why I hadn't filed a report. It would be something that I wouldn't mind having cleared up.

The other thing might be just a matter of getting things out for the conference. The Act is fairly comprehensive and maybe I should have had a copy or a draft or something before hand to study, but coming in cold, there was an awful lot of material there to try and cover and I think we spent time trying to figure out whether the things that we were interested in were actually covered in the book.

Iain Galloway:

Thank you Julien. Since there was one precise question, well two actually, one precise one with a very short answer probably. Protective apparel - the responsibility for it? Could somebody answer that, Phyllis? Is that the management's responsibility entirely?

Phyllis MacDonald:

The employer is responsible for supplying the equipment. The cost factor is a matter of discussion between the employer and the employee. That's the basic answer to that protective apparel one.

Iain Galloway:

The other one was the reportable incident. That is probably a wide ranging one and I suspect it would be hard to maybe define just very quickly. Phyllis says that Section 17 covers the reportable incident business but I imagine it is going down to case studies before you know what exactly should be reportable and what isn't reportable.

Ken Haywood:

Our group had very active discussions in a lot of the areas that have already been covered here this afternoon. We got off to a rather undiplomatic start. Some people were elected and some people were appointed. I got shanghaied, that's how I got here. But after that, everything was on an upsweep.

Some of the areas that we discussed were the dividing line between the Federal and the Provincial jurisdiction and there is a distinct area for both the Federal and Provincial people. I think what it boils down to is if it is on a Federal Crown Corporation or on the property of those people that are employed by Federal Government, they are covered by the Federal Regulations and the Federal Inspectors and so on. The rest of us which takes in a vast majority of us are covered by the Provincial Legislation and the Act that we have before us today.

We talked about smoking in the workplace. The methods that were being put into effect to try and facilitate a smoke-free workplace.

There was some discussion on the type of buildings. Some buildings are what they call a sealed building and it is quite an extensive undertaking to have to put in a smokefree work area. It involves a lot of work with the ventilating system and so on. But I guess what it boils down to is whether it is expensive or a lot of trouble, it is not really going to matter in the future, we are going to have to face that and put those facilities in there.

The Safety Committee itself, I think we discussed that a lot, and the importance both to management or the employer and the employee. It's equally important to both that there be a committee for Occupational Health and Safety Regulations

to follow those and that the guidelines that are laid down, the procedures in reporting incidents, in handling refusals or whatever. If you don't follow those procedures then you stand to lose your case. If you follow those then the regulations you can't really hope for a fair hearing. It's your prereogative whether you follow those or not but it will affect the outcome.

Data sheets on substances. Some people mentioned that they were having trouble getting data sheets from suppliers of different agents or chemicals or whatever they use in the workplace. The supplier is legally bound now to supply those data sheets and that's a fairly extensive piece of paper. It tells you how to handle the material, what it will do, what to do with it in a case of a fire or a spill or whatever. If they don't want to provide them to you I would suggest that you check around for another supplier. That was talked about during our meeting. The WHMIS will have a network, a computer network, available whereby they will have all that information in the near future and will be able to get it through, in this case, the Department of Labour I think will have access to that and we will be able to get it from them.

As I said, basically under the direction of Mr. Kelly, we had some excellent discussion and we asked questions or made observations and he either answered the questions or straightened us out on our observations and I think it was a benefit to have these discussions this afternoon.

Cynthia Murray:

CUPE Local 2523, representing the "M's". We had a lot of discussion this morning and this afternoon. This morning we were quite furtunate to have Sandy MacKay and he answered a lot of questions for us.

First, we talked about the importance of forming committees in the workplace. We talked about the right to refuse. We came up with the proper way of doing it from the Labour Act that states that you have the right to refuse, but someone else can go in and do that job for you but the person going in doing the job that you refused has to be told about it.

We also discussed the fact that the employer has to pay for a loss of wages when committee members are attending workshops of Occupational Health and Safety and schools.

We also talked about individual work areas. Most of us in the group were from nursing homes and hospitals I believe. So, we mostly zeroed our talks around those two areas.

We also found out that bulletin boards in the workplace have to be supplied by the employer. The bulletin board is strictly for occupational health and safety information.

We also found out too that washrooms have to be supplied by the employer for male and female.

This afternoon we did a lot of discussing and a lot of things that came out were the committees. The committees are where the main issues are to get settled, the Occupational Health and Safety Committee in the workplace. All workplaces on this Island should have Occupational Health and Safety Committees. They should be joint. By joint, they should be equal, like it should be management and it should be workers.

Something that really came out loud and clear in our group was the fact of images of the unions and images of management. We have to have a good ability here to communicate with each other in a very positive manner in order to get results. Action has to be taken.

We emphasized the fact that a problem should be settled at the level where it doesn't necessarily have to go to Council. If it can be settled in the workplace, that would be good.

We also talked about proper procedures in training for lifting patients. We said it is important that in a nursing home or a hospital environment, the management supplies training for its members, and that we're informed.

We also said that we, as trade unionists, and it's also a management responsibility, make sure that incident reports are filled out properly. If an incident happens in the workplace make sure that the member fills out an incident report immediately.

We also discussed that sometimes when filling out these incident reports, they are very confusing, so it is up to us to make it understood what they are filling out.

We came up with the conclusion too that we all need a great deal of education and we should have a better attitude.

We also stressed the fact that it's important to communicate, to educate and to re-educate.

We also discussed about when the Occupational Health and Safety does a check-off list, that it's done monthly and that it's done by different members in different departments.

Ernie MacKay:

With our group, once again, the hot topic was the right to refuse. It was the subject of a lot of discussion. I had the opportunity to relate some experience I have had in that area. I've been a member of the Occupational Health and Safety Sub-section of the Canadian Electrical Association for a number of years and have watched the right to refuse legislation be enacted right across Canada. As it was coming into place with various utilities, the same concern was there that, oh, this right to refuse is going to cause us all kinds of difficulties and what are we going to do about it? But as it turned out over the past few years and talking to the people in the last year or two, it's been enacted all across Canada and all the utilities report that it hasn't been a problem whatsoever. People act with responsibility and it hasn't been a problem for us on P.E.I. we shoud look at it in that light that we should not be worried about it and I don't think it is going to be a problem if everybody acts in a responsible manner.

In our group someone reported an incident in his particular business where an employee reported a piece of faulty equipment, brought it to the attention of his supervisor and the equipment was set aside and as the gentleman said it was a demonstration of the compliance of the regulations in this province in action.

With another group the same as ours, the matter of AIDS was discussed. There was nothing specific in the regulations but we had Phyllis MacDonald in our group and she answered all our questions. Phyllis says that discussions are on their way on the subject and the policy at this time has not been developed.

We asked if the Occupational Health and Safety Council is prepared to organize seminars for employers and employees to discuss regulations specific to their particular industry. Because as we all know, the whole book doesn't deal with your organization, there may be some sections in it that are specific to your organization. So, Phyllis says that the inspectors are prepared to go and talk to the various organizations on the sections of the regulations that deal with their specific problems.

This afternoon we had a long discussion on the compliance with the regulations and it was agreed that awareness is the key. Employees, management should be aware of all the situations and like previous speakers said they should be aware of what's going on in the workplace, use the bulletin boards so that not only just the Safety Committee knows what is going on, all the employees and all the management people know what is going on in the workplace. So I think that awareness is the key and that was the general topic of this afternoon's discussions.

This afternoon we spent a lot of time discussing items, but most of them ended up with questions. One of them was the affects of AIDS but not on the patient but affects of a care worker having AIDS. Is there a regulation to cover this and could this be dealt with under the Occupational Health and Safety Act. We realize there is a committee being struck at this time to work on that but we were wondering if it was going to deal with this aspect of the issue.

We also discussed time frame. The legislation is now in place but things cannot be changed over night. We decided that human understanding would have to come into it and that people would be given time to get their workplace in accordance with legislation. But in that as well, we said it couldn't wait until a problem shows up, that the legislation would have to be worked on, not in response to a problem but anticipation of one. We also felt that in a time frame we would work on a priority system. The Occupational Health and Safety Committee comprise what items are to be worked on and give this to management and what is a reasonable time frame for the legislation to be completely absorbed within the institution was not decided.

But we did feel there was a requirement for a time lapse for the implementation of the Act.

One of the Committee members was discussing the WHMIS and was wondering if there are now two sets of rules for education for people in the workplace, those under the Occupational Health and Safety Act and then those under WHMIS and would there be anything in one that wouldn't be covered in the other and how are we going to educate our staff as a result of all these regulations that are now in place?

Another item brought up this morning again was stress. Is there anything in the Act to cover this? On a general basis it said that the employer will take reasonable precaution to ensure health and safety of his employees and we were thinking that maybe stress could be covered under there.

This afternoon the items we discussed was the right to participate. Legislation does not require that a committee be set up but it does suggest it and there is no requirement that the Minister ask that a committee be set up, it's just a recommendation that might be carried through.

We felt that the right to participate is necessary as some workplaces, where the union is weak, there is no forum for discussion of Occupational Health concerns.

The right to refuse in discussion in our group we felt that this would not be something that would be taken frivolously, that people would not use the right to refuse without taking all the necessary steps that would go before that.

Joe Thistle:

Some of our concerns, most of our concerns are the same concerns as the other groups. So, I would just like to echo a few of the ones that are already mentioned.

Number one in our group was education on communicating the Occupational Health and Safety Act, getting the regulations to everyone in the workplace. What sort of resource people are available for this education? I think George Stewart informed us that there are people and some of the suggestions were that our Safety Committees ask for these people to come in and speak to them or Labour Management Committees. You might even get them at the Union meetings, you could call them or management could call them in any time. So, they are there for the asking, so I think it is one good way for us to get educated to this.

One of our other concerns also was the right to refuse to work. We discussed this at length and we just came up with a few suggestions like, before you refuse to work, go to the supervisor, go to the Safety Committee, call in the Department of Labour and those were three of the suggestions.

Also in our discussion, the Department of Labour will investigate complaints. Persons who complain remain anonymous. The Department tries to protect both worker and manager. We also got that from George Stewart so if anybody has any concerns that they would like to bring to the Department of Labour he has assured us that don't be afraid, you will be protected.

In some of our other talks we said common sense is everybody's responsibility and should be especially applied to the situation where safety is concerned. The best ways to solve problems that occur is co-operation, feedback, communication and give and take.

We also talked about implementation of no smoking policy. We had various concerns on both sides of the room. We discussed that for a great deal of time but we did not come up with the right answer and I don't think anybody will. How do you bring safety concerns to a committee attention. One suggestion was a suggestion box that everybody could just write a suggestion and put it in the suggestion box and before your meeting they open the box and go along with these suggestions. A departmental rep, you can bring your safety concerns to him or directly to the Safety Committee. In speaking with George Stewart we were concerned about various accidents that happened and he informed us that the most common injuries in the Worker's Compensation are sprains, back injuries, so on and so forth.

Dave Jay:

Actually, our group consisted of Marine Atlantic Employees, therefore, we come under the Federal jurisdiction, certainly not this book here and we decided not to discuss what went on at the meetings because too many questions have yet been unanswered. There is no doubt that in the near future we will have them answered but at the present time there is a lot of gray areas. There is one thing, some of thic book pertains to us. I will just read it very briefly; exceptions for crews of ships and aircrafts, report to person in charge first. When an employee in a ship or aircraft that is in operation wish to exercise the right to refuse dangerous work, he or she reports the matter without delay to the person

in charge of the craft. The result of the decision; if the person in charge decides that the refusal would not affect the safe operation of the craft, the employee may discontinue the work. If however, the person in charge decides that to discontinue the work would affect the safe operation of the craft, then the employee may not exercise the right to refuse as long as the craft is in operation. As ship or aircraft remains in operation until it arrives at its first destination in Canada. The employee may then exercise the right to refuse beginning with a report to the employer as described in the refusal process.

Iain Galloway:

Now we come to the highlight of our afternoon. Perhaps I could invite the acting group who is going to put on a dramatization to start moving things around.

Wrap-up After The Dramatization

Iain Galloway:

Please take time to fill in your evaulation questionnaires. We value any comments on your evaluations but I would welcome any at this point in time too. We can't handle individual issues here. Individual industries of course are something that you yourselves have to address. Today it's impossible to zero in on any one given industry. In the regulations I think you will find, if you get down to having a quick look at them, there are some hundred pages and at least forty different areas of jurisdiction. It's up to you to familiarize yourself, particularly with the jurisdiction that you are concerned with, and make the most of the information contained therein. If you are not sure, once again, you check with the people who are in the position to give you that information, the Occupational Health and Safety Division.

This has been an educational day and I hope that it's been useful. There is not a great deal of controversy in terms of black and white, everybody is more or less in favor of this thing so we are all pointing pretty well in the right direction. At least the group assembled here has shown their interest in coming and participating in this conference. Where the issue lies might well be as I have suggested, out there with the people who weren't able to come and therefore who are less informed than you. Please share your knowledge

with them. We will advance only by, as many people indicated in the groups, the dissemination of knowledge. Awareness is where it is at. The more people are aware of the existance of these regulations, the more we can promote safety on P.E.I.

I think the group discussions were quite lively and it's in the group discussions that you have your chance to get your two cents worth and we certainly appreciate hearing from you. In respect to hearing from you we would like very much to have these evaluations, I repeat once more. We really read these with great attention and the feedback you give us on our meetings helps us to plan better ones for the coming years.

Thank you once again.

The Twenty-First Session is adjourned.